

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSEPH ELIJAH AGEE,) CASE NO. C05-1506-MJP-MAT
Plaintiff,)
v.) ORDER GRANTING PLAINTIFF'S
SHANE STEVENSON, et al.,) MOTION FOR EXTENSION OF TIME
Defendants.)

Plaintiff is proceeding *pro se* and *in forma pauperis* in this action pursuant to 42 U.S.C. § 1983. Plaintiff has filed a motion for a 90-day extension of the pretrial deadlines set by the court in the Order of January 19, 2006. (Doc. #19). Plaintiff did not attach a certificate of service to the motion and it therefore appears that defendants have not been served with a copy of the motion. Having considered the motion, and the balance of the record, the court does hereby find and ORDER as follows:

(1) Plaintiff's motion for an extension of time is deficient in several respects. First, it does not contain a certificate of service demonstrating that he mailed a copy of the motion to defendants, as required by the Federal Rules of Civil Procedure and the Local Rules. *See* Fed. R.

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01 Civ. Pro. 5(a); Local Rule CR 5(f). Second, plaintiff failed to note the motion for consideration
02 by the court on a specific date, as required by the Local Rules. *See* Local Rule CR 7(b)(1).

03 Ordinarily, the court would not consider a motion that had these procedural defects.
04 However, because plaintiff is proceeding *pro se* and because defendants do not appear to suffer
05 any prejudice by the granting of the motion, the court will overlook these deficiencies and
06 plaintiff's motion (Doc. #26) is GRANTED. **Plaintiff is advised that in the future, if he files**
07 **a document that has not been served on defendants, the court will not consider the motion**
08 **and will direct the Clerk to strike the motion.**

09 (2) The deadline for completing discovery is hereby extended until **June 24, 2006**; the
10 deadline for filing any dispositive motions is extended until **July 23, 2006**; and the deadline for
11 filing the Joint Pretrial Statement is extended until **September 22, 2006**.

12 (3) The Clerk shall send a copy of this Order to plaintiff, to counsel for defendants, and
13 to the Honorable Marsha J. Pechman.

14 DATED this 6th day of March, 2006.

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17 Mary Alice Theiler
18 United States Magistrate Judge
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